

**U.S. Department of Justice**

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Satir Andrew's Plaza
New York, New York 10007*

December 5, 2007

By Facsimile

Honorable Barbara S. Jones
United States Courthouse
500 Pearl Street, Rm. 620
New York, NY
Fax: (212) 805-6191

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/6/07

**Re: United States v. DeVito, et al.
S3 06 Cr. 1089 (BSJ)**

Dear Judge Jones:

The Government respectfully submits this letter to request that the Court exclude time in the above-captioned case pursuant to the Speedy Trial Act. As of the last conference before the Court, which was on October 5, 2007, Your Honor had excluded time up to and including November 30, 2007, to permit for production and review of discovery by the parties. The parties were due to appear before the Court on November 30, 2007. In view of the Government's stated intention to file a superseding indictment in this matter, the court conference was adjourned.

Thereafter, on December 3, 2007, the Government unsealed a superseding indictment in this matter, which added new charges and a new defendant to this case. The parties are presently scheduled to appear before Your Honor on December 12, 2007 at 4:00 p.m. for arraignment on the new indictment and a pretrial conference. The Government respectfully requests that time be excluded under the Speedy Trial Act from today, December 5, 2007 until December 12, 2007, to

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permit the Government to produce additional discovery to the defense, and to allow certain parties to continue their plea discussions with the Government.

Respectfully submitted,

MICHAEL J. GARCIA
United States Attorney
Southern District of New York

By:



Katherine R. Goldstein
Assistant United States Attorney
(212) 637-2641

cc: all defense counsel (by facsimile)

Application granted. In the interest of
Justice for the reasons stated above, speedy
trial time is excluded from December 5, 2007
to December 12, 2007 pursuant to
18 U.S.C. § 3161(h)(8)(A).

SO ORDERED

Dated:


BARBARA S. JONES
U.S.D.J.

Dec. 5, 2007